

Hunton Andrews Kurth LLP
550 South Hope Street, Suite 2000
Los Angeles, California 90071-2627

PISANELLI BICE PLLC

Todd L. Bice, Bar No. 4534
TLB@pisanellibice.com
Brianna Smith, Bar No. 11795
BGS@pisanellibice.com
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: (702) 214-2100

HUNTON ANDREWS KURTH LLP

Ann Marie Mortimer (pro hac vice)
amortimer@HuntonAK.com
Jason J. Kim (pro hac vice)
kimj@HuntonAK.com
550 South Hope Street, Suite 2000
Los Angeles, California 90071-2627
Telephone: (213) 532-2000
Facsimile: (213) 532-2020

HUNTON ANDREWS KURTH LLP

Neil K. Gilman (pro hac vice)
ngilman@HuntonAK.com
2200 Pennsylvania Avenue, NW, Suite 900
Washington, DC 20037-1701
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Attorneys for Defendant

MGM RESORTS INTERNATIONAL

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

In re: MGM Resorts International Data
Breach Litigation

This document relates to: All actions.

CASE NO.: 2:20-CV-00376-GMN-NJK

**DEFENDANT'S RESPONSE TO
PLAINTIFFS' NOTICE OF RELATED
CASES**

1 Plaintiffs seek to relate ten (10) additional lawsuits to this one, claiming they “involve the
2 same claims based on similar facts being alleged against the same Defendant on behalf of
3 substantially overlapping putative classes.” ECF No. 183, at 1:21-23. Plaintiffs fail to meet the
4 requirements of LR 42-1. The ten (10) additional lawsuits (the “2023 Actions”), filed more than
5 three years later, involve a wholly distinct security incident that occurred more than five years after
6 the security incident at issue here, and are nowhere near the progress of this action. Plaintiffs have
7 failed to establish any overlap that would justify a complete disturbance of the progress of this action
8 beyond the identity of the defendant and use of the term “data breach.” Indeed, by the time the
9 pleadings have settled in the 2023 Actions, discovery likely will be closed in this action, and
10 Plaintiffs likely will have moved for class certification. Moreover, the overwhelming majority of
11 individuals with knowledge about the 2019 security incident are former MGM employees who did
12 not even work at MGM when the 2023 security incident occurred.

13 Given the four-year lapse between the two incidents, as well as the fact that witnesses
14 relevant to the 2019 security incident largely no longer worked for MGM at the time of the 2023
15 security incident, there will be a distinct set of documents relevant to the 2023 security incident.
16 Those documents have yet to be identified, located or produced. The parties to this action have
17 already substantially completed document productions, negotiating and resolving discovery disputes
18 specific to those productions. Reopening the doors of discovery to encompass an entirely new
19 universe of documents, custodians, search terms, etc., will set the progress of the case back
20 significantly.

1 For these reasons, Plaintiffs have failed to establish the 2023 Actions are related to this one,
2 and their request to relate them should be denied. Nonetheless, if the Court is inclined to consider
3 Plaintiffs' request, MGM respectfully requests the opportunity to brief Plaintiffs' failure to meet the
4 requirements of LR 42-1.

5 Dated: December 8, 2023

6 **HUNTON ANDREWS KURTH LLP**

7 Ann Marie Mortimer

8 Neil K. Gilman

9 Jason J. Kim

10 **PISANELLI BICE PLLC**

11 By: /s/ Todd L. Bice

12 Todd L. Bice, Esq., #4534

13 Brianna Smith, Esq., #11795

14 400 South 7th Street, Suite 300

15 Las Vegas, Nevada 89101

16 *Attorneys for Defendant*

17 **MGM RESORTS INTERNATIONAL**

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